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Paper 17
14 August 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,702 (RT)

SMITHKLINE BEECHAM CORPORATION
(US 6,743,604),
Junior Party,

v.

ZENYTH OPERATIONS PTY. LTD.
a subsidiary of CSL Limited
(09/051,843),
Senior Party.

Before: JAMESON LEE, RICHARD TORCZON, and MICHAEL P.
TIERNEY, *Administrative Patent Judges*.

TORCZON, *Administrative Patent Judge*.

JUDGMENT

Bd.R. 127(b)(1)
requested¹

¹ NOTE: "Any agreement or understanding between parties to an interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the Patent and Trademark Office before the termination of the interference as between the said parties

The senior party (Zenyth) has filed an express abandonment of its involved application and, consistent with the abandonment, requests entry of adverse judgment. The express abandonment may be entered when the application is returned to the examining corps.² A copy of the judgment shall be entered in the record for the involved patent and the involved application.

Accordingly—

Judgment is ENTERED AGAINST Zenyth for the subject matter of count 1,³ the sole count; and

Claims 1, 2, 7, 10, 25, 28, 29, 37, 43, 44, 47-49, 53, and 54 of Zenyth's involved application are FINALLY REFUSED.⁴

Elliot M. Olstein and Raymond J. Lillie, CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN, P.A., of Roseland, New Jersey

Frank S. DiGiglio and Xiaochun Zhu, SCULLY, SCOTT, MURPHY & PRESSER, P.C., of Garden City, New York.

to the agreement or understanding." 35 U.S.C. 135(c); see also Bd.R. 205 (settlement agreements).

² Bd.R. 103.

³ See Paper 1 at 3.

⁴ 35 U.S.C. 135(a).